

REMARKS

In the April 13, 2009 Final Office Action, the Examiner rejected claims 16, 19, 20, and 23-29 under 35 U.S.C. § 112, second paragraph (Office Action, pg 2), and allowed claims 6-9, 17, 18, and 21-23 ("Office Action Summary"). In the June 23, 2009 Advisory Action, the Examiner maintained the rejections of claims 16, 19, 20, and 24-29, and maintained the allowance of claims 6-9, 17, 18, and 21-23.

By this Amendment, Applicant cancels claims 16, 19, 20, and 24-29 without prejudice or disclaimer and amends claim 23. Claims 6-9, 17, 18, and 21-23 are now pending, and the 35 U.S.C. § 112 rejection of claims 16, 19, 20, and 24-29 are rendered moot by the cancellation.

THE PENDING CLAIMS FULFILL THE REQUIREMENTS OF 35 U.S.C. § 112

In the Office Action, the Examiner rejected claims 16, 19, 20, and 23-29 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully traverses these rejections. In order to advance prosecution Applicant cancels claims 16, 19, 20, and 24-29 without prejudice or disclaimer, and amends claim 23.

More specifically, Applicant amends claim 23 to further clarify that the sensor of independent claim 7 is subjected "to rotational vibration motion" and to "linear vibration motion," wherein the "measuring instrument generates the measurement value by measuring a motion based on said rotational vibration motion and said linear vibration motion."

As amended, claim 23 fulfills the requirements of 35 U.S.C. § 112 because one

of ordinary skill in the art, in view of the specification, would understand with clarity and precision that “applying **vibration acceleration** to a sensor which is fixed,” as recited in independent claim 7 (emphasis added), could read on, for example, applying both “rotational vibration motion” and “linear vibration motion,” as recited in amended claim 23. The M.P.E.P. states “[a]cceptability of claim ... language depends on whether one of ordinary skill in the art would understand what is claimed, in light of the specification.” M.P.E.P. § 2173.05(b). Therefore, if one of ordinary skill in the art would be reasonably apprised of the scope of the invention, in light of the specification, any rejection under 35 U.S.C. § 112, second paragraph, is improper. *See id.*

For at least the foregoing reasons, Applicant respectfully request reconsideration and withdrawal of the 35 U.S.C. §112 rejection of claim 23, and requests the allowance of claims 6-9, 17, 18, and 21-23.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: July 13, 2009

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